Roemer	Skelton	Upton
Rogers	Slaughter	Velazquez
Ros-Lehtinen	Smith (TX)	Vento
Rose	Spratt	Visclosky
Roukema	Stark	Vucanovich
Roybal-Allard	Stokes	Waldholtz
Rush	Studds	Walsh
Sabo	Stupak	Ward
Sanders	Tanner	Waters
Sawyer	Tauzin	Waxman
Schaefer	Taylor (MS)	Weldon (PA)
Schiff	Taylor (NC)	Wilson
Schroeder	Tejeda	Wise
Schumer	Thomas	Wolf
Scott	Thompson	Woolsey
Serrano	Thornton	Wyden
Shaw	Torkildsen	Wynn
Shays	Torres	Yates
Sisisky	Torricelli	Young (FL)
Skaggs	Traficant	
Skeen	Tucker	

NOT VOTING—12

Ackerman	Moakley	Volkmer
Andrews	Reynolds	Watt (NC)
Bateman	Thurman	Williams
Filner	Towns	Young (AK)

Messrs. CRAPO, FLANAGAN, and PORTMAN changed their vote from ''aye'' to ''no.''

Messrs. TIAHRT, HOBSON, COX of California, and GOODLATTE changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there amendments to title V?

AMENDMENT OFFERED BY MR. KOLBE

Mr. KOLBE. Mr. Chairman, I offer an amendment, numbered 28.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KOLBE: Page 69, strike lines 12 through 17 and insert the following:

SEC. 509. Notwithstanding any other provision of title XIX of the Social Security Act, for quarters beginning on or after October 1, 1993, the Federal medical assistance percentage applicable under such title with respect to medical assistance which consists of abortions furnished where the pregnancy is the result of an act of rape or incest shall be 100 percent.

POINT OF ORDER

Mr. DOOLITTLE. Mr. Chairman, I have a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DOOLITTLE. Mr. Chairman, I have a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman from Arizona wish to heard on the point of order?

Mr. KOLBE. Mr. Chairman, I would like to be heard on the point of order. I am prepared to concede the point of order because clearly, under the Rules of the House, this does violate the provision about adding legislative language in an appropriation bill. I ask that the amendment be read and called up and this matter be brought up simply to make the point, as we will on the next amendment, that clearly the language that we are going to be dealing with also was language on an appropriation bill and had it not been protected by the Rules Committee would also have been stricken.

So, Mr. Chairman, I would concede the point of order that this amendment is not in order and would hope that we would be able to have a debate on something that is less than perfect, in my opinion, but will nonetheless serve the purposes of this debate.

The CHAIRMAN. The gentleman from Arizona concedes the point of order. The point of order is sustained.

□ 1730

AMENDMENT OFFERED BY MR. KOLBE

Mr. KOLBE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KOLBE: On Page 69, strike lines 12–17.

The CHAIRMAN. Under the order of August 2, 1995, the gentleman from Arizona [Mr. KOLBE] will be recognized for 20 minutes, and a Member opposed will be recognized for 20 minutes.

Prior to the beginning of the debate on this amendment, the Committee will rise informally in order that the House may receive a message.

MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. LAHOOD) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

□ 1732

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Arizona [Mr. KOLBE] is recognized in favor of his amendment. Does any Member rise in opposition to the amendment?

Mr. ISTOOK. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Oklahoma [Mr. ISTOOK] will be recognized for 20 minutes in opposition to the amendment.

Mr. KOLBE. Mr. Chairman, I ask unanimous consent that I be permitted to yield 10 minutes of my time to the gentlewoman from New York [Mrs. LOWEY], and that she be permitted to yield time from that 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

I rise today in strong support of this motion to strike the language which is section 509 in the Labor-HHS-Education bill which allows States to deny Medical funding for abortions for rape and incest. This was language that was added during the full committee consideration of the bill, and it was tagged as a States rights issue.

I had an amendment that was not made in order which would have reinstated the current requirement that makes medicaid abortions available in circumstances involving life of the mother, rape, or incest, but relieves the States of any financial participation in cases of rape or incest if they choose not to fund them.

Mr. Chairman, as I said, last year there were all of two Medicaid-funded abortions in the entire country in cases of rape or incest. The amendment that I offered in the committee I think was a fair compromise for Members who do support States rights, but who recognize that poor women who are pregnant as a result of a heinous crime like rape or incest should not be discriminated against in the process.

Unfortunately, as we have just heard, with it being stricken here, Members of this body will not have the chance to vote on what was to have been the Kolbe-Pryce-Fowler amendment. Therefore, I am cosponsoring with the gentlewoman from New York [Mrs. LOWEY] and the gentlewoman from Maryland [Mrs. MORELLA], this motion, so we can return to the original Hyde language. And I want to make that clear. We are talking about going back to the Hyde language, which requires States to fund abortion under Medicaid in the cases of life of the mother, rape, and incest.

Mr. Chairman, the 103d Congress passed the Hyde amendment by a large margin, 256 to 171. A majority of the Congress, many of whom are pro-life, agreed that these three exceptions are reasonable and clearly not abortion on demand as now argued by some on the other side. So unless this amendment to strike passes, we will be taking a giant step backward away from the Hyde language.

It is a sad day to see this body divided over an issue as important as providing a legal abortion for a poor woman who is a victim of rape or incest. If any of us in this body had a daughter or sister who became pregnant as a result of one of these heinous crimes, they would certainly want to have the option of being able to seek an abortion. But that would not occur for poor people in our country, at least not if our amendment fails.

Mr. Chairman, I urge our colleagues to vote ''yes'' on the Kolbe-Lowey-Morella motion to strike.

Mr. Chairman, I reserve the balance of my time.

Mr. ISTOOK. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I rise in opposition to the amendment. Twice this year, Mr.

Chairman, the Committee on Appropriations has seen fit to include the language which is currently in the bill which the gentleman from Arizona seeks to strike.

Mr. Chairman, this is not about access to abortion. This is about under what circumstances will the taxpayers of the United States and of the individual States be compelled to pay for individual's abortions.

Under the language previously of this Congress, until the Clinton administration, States had the option, but were not compelled, to provide public funding for rape and incest abortions. However, a directive issued by the Clinton administration in December 1993 told the States that they must ignore their own laws and must provide State funds for those abortions.

Mr. Chairman, this directive of the Clinton administration over turned the laws of 36 States. I rise in support of 36 of the United States of America, Mr. Chairman, who have seen fit to have a standard different than what the gentleman from Arizona seeks to impose.

The language that is currently in the bill makes it clear that the ability of States to combine state money with Federal money to pay for abortions in case of rape and incest is an option. They may choose to exercise it, but they are not compelled to do it. The gentleman from Arizona would wish to have the states compelled, as the Clinton administration desires.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to sponsor this amendment with my colleagues, the gentleman from Arizona [Mr. KOLBE] and the gentlewoman from Maryland [Mrs. MORELLA]. This amendment strikes the language in the bill that would allow States to eliminate funding of abortions in the case of rape and incest. This provision callously victimizes victims, it is draconian, it is extreme, it is cruel, and it is unfair.

As the bill is now written, States are given the green light to eliminate Medicaid funding of abortions for the most vulnerable Members of our society, impoverished victims of rape and incest. This bill subjects women who have been raped or subjected to incest to further indignity. This bill sends rape victims a very clear message: You must have your rapist's baby. It tells victims of incest, you must have your father's child. Mr. ISTOOK'S own State of Oklahoma sent that message last year to a 20 year old poverty stricken woman impregnated by her own father. This woman could not obtain an abortion because Oklahoma refused to comply with Federal law.

Make no mistakes, my colleague: If this amendment is adopted, States like Oklahoma will stop providing abortion coverage for victims of rape and incest. In fact, we can be fairly certain that 27 States will stop providing this coverage.

Let us be very clear however: This provision has nothing to do with States rights. The Medicaid statute does not give States the right to pick and choose which procedures they will cover and which they will not. A State's participation in Medicaid is voluntary. However, once the State chooses to participate, it must comply with Federal statutory and regulatory requirements. States rights, Mr. Chairman, is just a smoke screen designed to hide the fact that this amendment would deny poor victims of rape and incest the means to exercise their reproductive rights.

Mr. Chairman, this provision is not merely a clarification of the Hyde amendment. Since the 1993 statute change, three Federal appellate courts and Federal district courts in 11 States have rejected challenges by States that did not want to comply with the rape and incest language. There is not a single case, Mr. Chairman, in which a court has sided with States that did not want to comply.

The law is very clear: States must fund Medicaid abortions in the case of rape, incest, and life of the pregnant woman. So we are clear, this is not just the way the Clinton administration has interpreted the law, it is the law as it has been interpreted by the courts. In fact, Supreme Court Justice Scalia, an abortion opponent, refused to stay an order to a State to pay for abortion services for victims of rape and incest. The reason for his refusal was that the law is clear, States are obligated to pay. The provision added by the full committee does not clarify existing law; it changes it.

Mr. Chairman, in conclusion, let us not be fooled. This provision is about denying poor victims of rape and incest the right to have an abortion. It is extreme, it is out of the mainstream. It is very clear that Americans do not believe that victims of rape and incest should be forced to carry their pregnancies to term.

I know my colleagues, regardless of your views on choice, many of my colleagues would support this amendment. Let us not victimize the victims again. Please support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in support of the Lowey-Morella-Kolbe amendment to strike the language that would make Medicaid coverage of abortions for poor women who are the victims of rape or incest a state option.

The Hyde amendment supported women who are victims of rape and incest. Rape and incest are not about abortion. They are about violence. They are about brutality. They leave life-long scars—fear, anger, inability to love and trust.

In the Crime Bill, Republicans sponsored and protected funds and programming to prevent and punish violence against women. How can we now lay aside compassion?

Think. Rape is someone grabbing you, assaulting you, overwhelming you with fear for your life and then violating you in the most deeply personal and destructive way. Please, leave to the victim the decision as to whether to carry or not to carry any possible product of such violent, vicious and terrible act as that of rape.

Trust America's women. They will choose wisely and in harmony with their consciences. What more could we ask in a society that prizes personal freedom and responsibility?

The American people are not divided on this issue. They agree that women who are victims of rape and incest should have choice. That is all, choice. I am proud to represent the voice of victimized women, in their search for their rights, your respect, and the compassion of a society unable to defend them.

Please support the Lowey-Morella-Kolbe amendment.

Mr. ISTOOK. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, as the lady from New York noted, 11 States have already taken the administration to court because their laws are being threatened. In addition, the Clinton administration has sent notices threatening to cut off funds to another seven States. This decision properly should be made by the States, not by Washington.

Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the underlying Istook language that was approved by the full Committee on Appropriations and in opposition to the Kolbe strike. The current language, which this amendment would delete, is a noble attempt to protect the powers of the States and the rights of taxpayers who do not wish to pay for abortions.

The current language also protects the constitutional prerogative of Congress as the only branch of the Federal Government with the authority to make laws. It does this by repealing the Clinton administration's strained and unfaithful interpretation of the Hyde amendment. The Istook language guarantees that in cases where the demand for an abortion rises from rape or incest, States may resolve this very difficult dilemma in the manner most consistent with values of their own citizens expressed through their State representatives. The amendment before us would strike the Istook language. It would thereby save the Clinton rules and force all States to fund abortion in these situations.

Supporters of the Kolbe strike claim that they are preserving the Hyde amendment. In fact, the Clinton rules

which they are seeking to reinforce effectively undermine the Hyde amendment.

□ 1745

The Kolbe amendments, under the pretext of preserving it, would defeat it. On the Hyde amendment language, let me remind Members when it was offered by the distinguished gentleman from Illinois, was permissive, not mandatory. It allows States, it allows them, does not force them to add Medicaid funds for abortions resulting from rape or incest, but it respects the State law when that State law is more protective of those children in that very difficult situation. It took the Clinton administration to urge that the Kolbe strike amendment be defeated.

Mrs. LOWEY. Mr. Chairman, I yield 45 seconds to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, I rise in support of the Kolbe-Lowey amendment. In response to the gentleman from Oklahoma [Mr. ISTOOK], the reason the 11 States lose is that the Federal law is very clear that States do not have an option.

I strongly support this amendment; the right to choose is meaningless without the means to choose. Without Medicaid funding, a poor woman who has been the victim of a crime will not be able to obtain a legal abortion. She will be forced to spend 9 months reliving the crime. I cannot believe that anyone in this room would want to compel a woman to carry a child that is conceived as the result of rape or incest. Support the Lowey–Kolbe amendment.

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Chairman, I rise today to oppose the Kolbe amendment, and I am in strong support of the Istook language in this bill.

Notwithstanding the rhetoric of the other side, this is really an issue of States rights. Do the States have the right to enforce their own laws or not?

It has been a central goal of this reform-minded 104th Congress to return power to the States. A good argument can be made that the 10th amendment to the Constitution has enjoyed something of a rebirth in this Congress. However, the Clinton administration continues to buck this trend because they believe Washington, DC should impose its will on all 50 States.

In 1993, the Clinton administration directly contradicted the intent of the Hyde amendment when they forced States to fund abortions in the circumstances of rape and incest—even though it was expressly against State law to do so. States had no choice but to comply with the Clinton directive because the Federal Department of Health and Human Services threatened to cut off Medicaid funding altogether.

By requiring States to spend Medicaid dollars on these abortions, Clinton invalidated laws in almost three-fourths of the States—including his own State of Arkansas. In fact, the States of Nebraska, North Dakota and Arkansas were forced by the courts to pay for abortion on demand—regardless of the circumstances—for all women who qualified for Medicaid dollars.

Mr. Chairman, what the Istook language does is simply return decision-making power to the States where it should be. States across America do not need the Federal Government imposing its will upon them. I ask for a no vote.

Mr. KOLBE. Mr. Chairman, may I inquire of the Chair the time remaining on all sides?

The CHAIRMAN. The gentleman from Arizona [Mr. KOLBE] has 7 minutes remaining, and the gentleman from Oklahoma [Mr. ISTOOK] has 15 minutes remaining, and the gentlewoman from New York [Mrs. LOWEY] has 5¼ minutes remaining.

Mr. KOLBE. Mr. Chairman, I reserve the balance of my time.

Mr. ISTOOK. Mr. Chairman, I yield 90 seconds to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman for yielding time to me.

In Arkansas, my home State, we have an unborn child amendment that was adopted by a vote of the people of Arkansas. It is in our State constitution. It prohibits the spending of public money for any abortion unless the procedure is needed to save a woman's life, a decision by the voters of the people of Arkansas. Regardless of how you feel about that decision, it was the people's decision.

The issue in the debate this evening is not abortion, it is not abortion funding, it is not rape and incest, and everybody would like to cloud the issue. The issue is, do the people of a sovereign State in this country have the right to rule and to pass their own laws and to make their own constitution? For over a year and a half now my State has been in litigation over this. The effect of that litigation is that the courts have taken the ruling of bureaucrats in Washington in HCFA, and they have allowed those regulations passed by HCFA to overrule the constitution of the State of Arkansas, an amendment adopted by the people of Arkansas.

What we are doing in the Istook amendment is absolutely in accord with the whole sentiment of this Congress. We have said the States ought to have more authority in welfare. We have said the States ought to have more authority in crime. We have said the States ought to have more authority and control in the area of education.

Why in the world would we reverse that and say in this particular area that we in Washington have more moral authority than the people of my home State? Why should we say that we have a right to overrule what they, not by a poll, not by the State legislature but by a vote of the people.

I urge Members to support the Istook amendment and to defeat the Kolbe motion to strike.

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Maryland [Mrs. MORELLA], cosponsor of this amendment.

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. Mr. Chairman, please, my colleagues, do not be confused and misled. We are simply following the Hyde amendment as passed in 1993 to require States to provide Medicaid abortion coverage in cases of rape or incest.

What we do is strike the bill language that would allow States to prohibit rape and incest coverage. Since Hyde added rape and incest in 1993, I want to point out three Federal appellate courts and Federal district courts in 13 States have agreed that States participating in Medicaid must comply with the Hyde amendment and provide rape and incest coverage. That is, each and every Federal court that has considered the issue has said that, no diversions.

State participation in Medicaid is voluntary, but once the State participates in Medicaid, they must follow the Federal Medicaid requirements.

Abortions as a result of rape and incest are rare. As was mentioned, they represent a very small percentage of abortion. In 1994, Federal funding covered only two abortions. These circumstances are very tragic and rare. But they are the result of violent, brutal crimes against women.

The Istook language in the bill is extreme, and the States rights planning is a facade; make no mistake about it. This amendment could result in at least 27 States refusing to pay for abortion for rape and incest victims. We cannot all call for an end to violence against women in one breath and then in the next breath vote to prevent victims of rape and incest, brutally violent crimes, to lose their rights to end such pregnancies.

I urge my colleagues, my friends, to vote for the Kolbe-Lowey-Morella amendment.

Mrs. LOWEY. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Colorado [Mrs. SCHROEDER].

(Mrs. SCHROEDER asked and was given permission to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Chairman, I rise in favor of the Kolbe-Lowey amendment and for the fact that States do not own women.

Mrs. LOWEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. HASTINGS].

(Mr. HASTINGS of Florida asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Chairman, I rise in strong support of the Lowey-Kolbe amendment to strike section 509 of this bill. I

had drafted my own amendment to strike this section, but given the leadership that Representatives LOWEY and KOLBE have shown on this issue, I will not offer my own amendment and I will support their efforts.

It has been my understanding, since I was afforded the opportunity to join this August body, that authorizing language is attached to authorizing bills, and funding decisions are made in appropriations bills. Since section 509 is certainly authorizing language, and H.R. 2127 is an appropriations bill, I question the constitutionality of this section.

But more importantly, Mr. Chairman, I am disgusted by the intent of this language. It is sickening that those persons who do not believe in a women's right to choose are using every legislative vehicle possible to chip away at the Supreme Courts' ruling in Roe versus Wade. They are using every opportunity, from denying Federal employees access to abortions, to this pathetic attempt to deny abortion services to women who are victims of rape or incest.

This is not about transferring decisionmaking authority to the States. This is not about less Federal intervention. This is about finding ways to end the legal practice of abortion. This is about making it more difficult and more complicated for women to access any abortion services.

It is outrageous that we will allow States to not provide abortions to women who have been raped! What if these women cannot pay for their own abortions? Should they be forced to bear the child of a rapist? This is a dangerous, sinister attempt to erode the civil liberties of women. Do not stand for it! Support the Lowey-Kolbe amendment!

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will remind all visitors in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of the proceedings is in violation of the rules of the House.

Mrs. LOWEY. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Oregon [Ms. FURSE].

(Ms. FURSE asked and was given permission to revise and extend her remarks.)

Ms. FURSE. Mr. Chairman, I rise in support of the Lowey amendment. Rape is a crime. Let us not punish the victims of the crime.

Mrs. LOWEY. Mr. Chairman, I yield 45 seconds to the gentlewoman from California [Ms. PELOSI].

(Ms. PELOSI asked and was given permission to revise and extend her remarks.)

Ms. PELOSI. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I rise today in strong support of the Kolbe-Lowey-Morella amendment, which deletes the provision in the bill permitting States to decide whether to use Medicaid funds to pay for abortions in the case of rape or incest.

This language in the bill is discriminatory and unfair. If the availability of abortion services under Medicaid is not uniform across State lines, we are clearly discriminating against poor victims of rape and incest who do not have the means to travel to obtain these services.

This language blames the victims of violent, horrible, unthinkable crime. How dare we give the States the option to decide whether victims of rape and incest should be responsible for the consequences of crimes perpetrated against them.

This language is not at all about States' rights, as some of our colleagues would have us believe. States have the choice whether or not to participate in the Medicaid program—they do not and should not have a right to pick and choose which procedures they will cover.

The Kolbe-Lowey-Morella amendment would delete this language and continue current policy, which is fair and correct in mandating that Medicaid funds pay for abortions in the case of rape, incest, or life endangerment of the mother.

This is not an issue of States rights, it is about individual rights, and it is an issue of fairness. I urge my colleagues to protect the rights of vulnerable victims and support the Kolbe-Lowey-Morella amendment.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. STEARNS].

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Chairman, let me be just perhaps a calming voice on this. I heard my good colleague the gentlewoman from Maryland [Mrs. MORELLA], talk about the Hyde amendment in 1993. Most of us voted for the Hyde amendment and we did that because we did not have the majority at that time and we felt the Hyde amendment was something that was better than what the loyal opposition would offer. So we voted on that with the understanding that if we ever had the opportunity we would try and develop a provision that would permit the States to decide whether to use Medicaid funds to pay for abortion in the case of rape or incest.

So I am really trying to say to my colleagues that it is not a question of the Hyde amendment being the law of the land and perhaps we should continue that. What we all believe is that we should move it back to the States and let the States decide, because in each State's particular circumstances, they will have a better understanding of how to prohibit abortions, how to help women. And certainly it is nothing to do with brutal crimes against women. It is all talking about a procedural context, and we should remember that. And in the end, I want Members to support the Istook language.

Mr. ISTOOK. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, the other side would have us believe this is really a debate about the fairness of who can get the abortions and under what circumstances. I do not think it is appropriate to even get into that.

The fact of the matter is, the Hyde amendment, the existing law, allowed States to use their money to provide abortions in the case of rape or incest. It did not require it. But our liberals here want to require it, because they believe in the result.

We are a Federal system of laws with 50 sovereign States. This amendment, resisting this amendment will preserve what the existing law is. Supporting the gentleman from Oklahoma [Mr. ISTOOK] will in fact recognize the sovereignty of the States. Those States' citizens, many of them have determined under what conditions their tax money is to be used to provide abortions. It is not right that we should sit here in Washington with a command and control directive from the top telling them what they should do.

This amendment of Mr. ISTOOK makes clear that States can fund these programs according to their laws. That is the position that we as a body should uphold.

I would ask for Members support for the gentleman from Oklahoma, [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. FORBES].

(Mr. FORBES asked and was given permission to revise and extend his remarks.)

Mr. FORBES. Mr. Chairman, I rise in strong support of the Istook language and for the preciousness of all life.

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, I think it is pretty unfortunate that we have to come down to the well on this issue. I think if we just took abortions out of this debate, we would have an automatic unanimous vote against this amendment.

□ 1800

Mr. DELAY. Mr. Chairman, I think it is pretty unfortunate that we have to come down to the well on this issue, because this is a States' rights issue. The Clinton administration decided upon its own initiative that it would impose the will of the Federal Government on States. That is what this is all about.

This is a States' rights provision that, frankly, I think corrects an injustice and reaffirms the principle that States should decide whether or not or how they spend their funds.

The gentleman just before me said, and I want to reemphasize this, the Hyde amendment did not impose paying Medicaid funds for rape and incest. What it said was those States that use Medicaid funds for rape and incest can continue to do so.

Mr. Chairman, it is amazing to me that some of the Members have come down here and said, We are going to make them pay, whether they like it or not. They ought to be making those same speeches in the legislative bodies of the States.

If my colleagues do not like the position that the States have taken on rape and incest and how Medicaid funds would be used to pay for abortions for rape and incest, then go change the laws of the States.

But to have the Federal Government support the Clinton administration's total philosophy that ''big brother'' Washington, DC knows more what is good for you than you do is total repudiation of the last election.

If there was one message coming from the last election, it is that the American people are fed up with Washington dictating to them how they are going to live, how they are going to spend their State funds, and how they are going to do business in their own States.

Mr. Chairman, all we are saying with the Istook amendment is let the States decide how to spend their own funds.

I ask a ''no'' vote on the Kolbe amendment.

Mr. KOLBE. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, the last two speakers, including the gentleman from California, made the point that this is a States' rights issue and that the other side is trying to force these abortion services. Let me make it clear, that that was the gentleman who moved to strike my amendment which would have allowed the States to have that option.

Mr. Chairman, that could have been there if we had made that amendment in order and they allowed the Committee on Rules to do so. So let us make no mistake about it.

Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, I applaud the gentleman from Arizona [Mr. KOLBE] for his motion to strike. I would have gladly supported his previous amendment, if it had allowed to be debated.

Mr. Chairman, I voted for the Hyde amendment in the 103d Congress and I continue to support that by voting for the Kolbe-Lowey-Morella motion to strike.

When a State chooses to participate in Medicaid, it must comply with Federal standards and standards require funding for abortion in the case of protecting the life of the mother, rape and incest.

Mr. Chairman, the overwhelming majority of Americans agree with this standard. This is not an issue of State's rights. This is an issue of common sense.

Preserving the human dignity of all Americans, particularly victims of these vicious crimes, must remain our priority. I stand by the 1993 Hyde amendment and urge all my colleagues to do the same by voting for the motion to strike.

Mr. ISTOOK. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, despite what some people may claim, the law of 36 States are in jeopardy if we do not defeat the Kolbe motion, including the laws of the gentleman's own State.

Mr. Chairman, these are the States whose laws are being overturned by the Clinton administration directive: Alabama, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Iowa, Minnesota, Pennsylvania, Virginia, Wisconsin, and Wyoming.

Mr. Chairman, I rise to uphold the laws of those States against the people who are trying to say that Washington will overrule them and Washington will control all the important issues.

Mr. Chairman, I reserve the balance of my time.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington [Mrs. SMITH].

Mrs. SMITH of Washington. Mr. Chairman, what I would like to start with is talking about the States' rights movement in the Nation.

Mr. Chairman, the Nation is saying more and more that big government, big brother should not be making decisions, and a lot of the women's movement is saying the same thing.

Mr. Chairman, where we seem to be differing here, although probably if you polled the women of America they would agree with States' rights, but where we seem to be differing here, for some reason on this one it is OK for us to override 30-some State legislatures who made decisions, tell those people who were elected they are wrong, and change their law to mandate that their tax dollars from their citizens who elected them should be used for abortions.

Mr. Chairman, that is the word no one wants to talk about it. They always call it choice. That is what we are talking about and the American people know it. Let us talk about it. Abortion means terminating the life of a baby before it is born and not letting it be born.

That is the unspoken word we need to say: ''Abortions.'' Let us go to what the American people say again. They say that our tax dollars should not be funding this procedure. Even people that believe in some cases that abortion is OK, they do not believe, in any poll out there, that their money should be funding, taxpayer money should be funding this, because of the issue of the conscience of this Nation.

Mr. Chairman, I yesterday listened to people plead passionately for choice, but they did not plead passionately for what we are talking about.

I encourage my colleagues to stand up for States' rights.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Mr. Chairman, the right to choose is a constitutionally protected right, not a right subject to each State's prerogative. It is a right guaranteed to every woman, not to every State. But with every appropriation's anti-choice rider that passes, the Congress votes to deny more women the constitutional right to an abortion, leaving Roe versus Wade a shell of the protections envisioned by the Supreme Court.

This provision is perhaps the cruelest of all. It victimizes women who have already been victims of horrible crimes and who have endured tremendous suffering. Let the record be clear, women are not using the rape and incest exception to the Hyde amendment as a loophole to obtain abortion services.

In fact, this provision is not even about saving taxpayer dollars. It is about furthering an extreme anti-choice agenda with the ultimate end of criminalizing all abortions. Vote to strike.

Mr. KOLBE. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Kansas [Mrs. MEYERS].

(Mrs. MEYERS of Kansas asked and was given permission to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Chairman, I rise in support of women who have already been victimized once and in strong support of the Kolbe-Lowey amendment.

Mr. KOLBE. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. BOEHLERT].

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of the Kolbe-Lowey amendment.

Mr. Chairman, I rise in strong support of this amendment, which does nothing more than return this bill to the terms of current law. Current law is hardly radical. It says that, throughout the Nation, Medicaid must fund abortions in cases of rape, incest or danger to the mother's life.

Medicaid is a national program, a federal program. It ought to offer the same minimal, basic coverage nationwide. And that's what this is—minimal, basic coverage.

We're not talking about funding abortions that are sought as a form of birth control or out of convenience or out of concern about the ability to responsibly parent a child. We're talking about federal funding for women who are the victims of rape and incest. These are not people who chose to get pregnant who could be accused of acting irresponsibly in any conceivable way. These women are victims of vicious, inhumane crimes. We ought to be seeking to help them.

Forty-six years ago, during the early debates over civil rights, Hubert Humphrey challenged the Democratic party to walk out of the shadows of states' rights and into the bright warm sunshine of human rights. Voting for this

amendment is our chance to place human rights above states' rights.

I urge my colleagues to vote for this amendment and not to add to the misery of women who have suffered the pain and indignity of rape and incest.

Mr. KOLBE. Mr. Chairman, I yield 1 minute to the gentlewoman from New Jersey [Mrs. ROUKEMA].

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of the Lowey amendment as a Republican, as a woman, as a mother of 3, and as a grandmother.

This is a defining moment. This is a bottom-line issue on which we have to stand up and be counted. It is our obligation to make that very clear. Those who want Roe v. Wade overturned have won many of the votes recently and have forced the issue, but it seems to be that they are doing everyone a disservice. It has gotten to an extreme when they're talking about denying choice to a woman who is a victim of rape or incest. They are denying the rights under the Hyde amendment for women who are victims of rape and incest, the rights that other Americans are entitled to.

Mr. Chairman, the bill before us is saying, who cares if you have experienced rape or incest, deal with it. Find another way to pay for it. Part of life is dealing with hardship so it does not matter how much more physical and mental abuse you have to endure by carrying a forced pregnancy. And, while I would prefer to not have to speak about this issue in such terms, it is the only way to discuss in real terms the effect of the language contained in the bill.

We should not even be debating this issue. This is a constitutionally protected right. This is a legal medical procedure. This decision should be left to the woman involved after consultation with her family, her physician and her religious counselor. This profound moral decision should be protected by all 50 States, This should continue to be a right for all Americans, not only those who can afford it. No Second-Class citizens

Mrs. LOWEY. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. WAXMAN].

(Mr. WAXMAN asked and was given permission to revise and extend his remarks.)

Mr. WAXMAN. Mr. Chairman, I rise in favor of the motion to allow Medicaid abortions in cases of rape and incest.

Mrs. LOWEY. Mr. Chairman, I yield 45 seconds to the gentlewoman from New York [Mrs. SLAUGHTER].

Mrs. SLAUGHTER. Mr. Chairman, I would like the RECORD to reflect that according to a Time-CNN poll, by an overwhelming majority of 84 percent, the public supports government funding for abortion in cases of rape.

When this Medicaid statute was written, it was clear that Congress intended the program to cover all medically necessary devices and services. It did not say a State could pick and choose. Is it possible to imagine a service more important than the option to have an abortion if you are a poor woman, or a girl, who has been raped or is an incest survivor? These women are already victimized; and this House, by this hard-hearted, discriminatory language does even more to discriminate against them all over again.

Mr. Chairman, the right to choose an abortion in these circumstances should not just be the right of wealthy women; it is blatantly unfair. Nor should abortion opponents be allowed to argue that this service has been overused.

Mr. Chairman, I include the following for the RECORD:

I would like to put it into the Record that: by an overwhelming margin of 84%, the public supports government funding for abortion in cases of rape, according to a Time/CNN poll.

This bill also nullifies the requirement that medical residency programs must provide training in abortion techniques unless the individual or institution has a moral objection to it. And, it bans Federal funds from being used for embryo research which leading scientists and endocrinologists tell us may hold the key to curing such diseases as diabetes and Alzheimers.

Mr. Chairman, this Congress is out of step on issues of women's reproductive health care. I urge my colleagues to stand up for women and vote against this very bad bill.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas [Mr. DICKEY].

Mr. DICKEY. Mr. Chairman, I do not know much about politics, but I do know what I saw when Arkansas people got together and filed an amendment that said, ''We want to vote on whether or not to have publicly funding abortions.'' We passed that Arkansas constitutional amendment, and it became the public policy of our State.

Mr. Chairman, we have heard today things like ''States rights issue as a facade,'' ''States do not have an option,'' and ''If it is a States' rights reason, it should be discarded.'' I do not think that is correct.

Mr. Chairman, I agree with Bill Clinton, who was the Governor at the time of this particular amendment, when he said, ''We should not spend State funds on abortions because so many people believe abortion is wrong.'' I do support the concept of the proposed Arkansas constitutional amendment, No. 66, and agree with its stated purpose.

Mr. Chairman, we are asking that the States be allowed to decide this issue. That is the reason we are asking our colleagues to vote ''no'' on the Kolbe amendment and ''yes'' on the Istook amendment.

Mr. KOLBE. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of the motion of the gentleman from Arizona [Mr. KOLBE].

Mr. Chairman, today, we must ask ourselves whether or not we will respect the rights and needs of victims of rape and incest. The victims of these horrendous crimes are unfairly caught in the cross fire of a debate that fails to recognize their rights.

In past weeks, we spoke loudly in defense of the rights of women and children in Bosnia who have been victims of rapes. Should we speak any less of the rights of rape victims here at home? I think not.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. WELDON].

Mr. WELDON. of Florida. Mr. Chairman, while it is true that in polling data we can generate polls that show that most Americans support legalized abortions in the setting of rape and incest, and there may be some polls by some publications that claim that the voters actually want to fund it, the truth is that 36 States, through the hard work of their State representatives, their State senators and their Governors have chosen. They do not want to fund this thing.

Mr. Chairman, one of the first things Bill Clinton did when he was elected is, he said, ''You have got to fund it.'' Yes, there are lots of courts that have gone along with that.

What the gentleman from Oklahoma, [Mr. ISTOOK] is saying is that if the States choose that they do not want to fund it, their laws that were duly enacted by their State legislators and their Governors should be respected. I think the language of the gentleman from Oklahoma [Mr. ISTOOK] is very reasonable language, and I totally support the language.

Mr. Chairman, I would urge my colleagues to vote ''no'' on the Kolbe amendment.

□ 1815

Mrs. LOWEY. Mr. Chairman, I yield 45 seconds to the gentlewoman from New York [Ms. VELÁZQUEZ].

(Ms. VELÁZQUEZ asked and was given permission to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Chairman, I rise in strong support of the Lowey-Kolbe amendment. A far right, anti-women minority in this chamber has inserted a repulsive provision into this bill. The radical minority plans to prohibit the use of Medicaid funds to pay for abortions for women who are raped or victims of incest. This bill serves to penalize poor women for their economic status.

If we discriminate against women who are least likely to be able to afford to pay for an abortion during the traumatic and physically devastating circumstances of rape or incest, then many poor woman who can not afford to pay for the procedure will be forced to carry their pregnancy to term.

This provision is just another step backward to a time when the Government made decisions about womens reproductive health and back alley abortions were common.

Rich women can afford abortion services in cases of rape or incest, however this bill serves to penalize poor women for their economic status.

I urge my colleagues to join me and the majority of the American people in preserving every woman's right to control her own body. Support the Lowey-Kolbe amendment.

Mr. KOLBE. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Chairman, this whole conflict is not about States rights—if it were, we would be considering the Kolbe-Pryce-Fowler amendment which would have protected States' rights.

What is really at issue here is whether poor women should be able to get an abortion if they are victims of rape or incest. I want to ask my colleagues—if you were poor and your mother, your sister, or your daughter found herself pregnant as the result of rape or incest, how would you feel?

If you vote for the motion to strike, you will be preserving the 1993 Hyde language—which was overwhelmingly supported by pro-life members. If you vote ''no'', you will be denying assistance to women who are in a desperate situation as the result of a criminal act. Vote to strike this provision.

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. HYDE], who has been the sponsor of that, and we have heard about the language of the amendment, to explain the true situation.

Mr. HYDE. Mr. Chairman, I am certainly against violence against women. I am also against violence against innocent, unborn children.

You can punish the rapist. I do not know what crime the unborn child has committed.

The Supreme Court, when it found a statute imposing capital punishment on a rapist unconstitutional, said, ''The punishment is grossly disproportionate to the crime.'' What crime has the unborn child committed? Unless, of course, you want to put more value on a spotted owl or a snail darter than an innocent, unborn child.

Now, I am the author of the Hyde amendment. Does legislative intent mean anything? I did not intend that to be mandatory, but to be permissive. I do not support abortions as a result of rape or incest, because I view the child in the womb as a human life.

Abortion is a terrible thing. Rape is a horrible thing. The only thing worse than rape is abortion. That is killing. That is killing.

Violence in the womb against an innocent human being is, it seems to me, the ultimate crime.

I do not say that a woman who has been raped has anything less than a horrible situation. But there is adoption. There is private funding. But do not tell the States who do not want to fund with tax dollars abortions, do not lack the moral imagination to understand, there are two people involved, not just the woman, tragic as that is. That is a call on our love, on our concern, on our help. But why compound the wrong by executing an innocent human life?

If you believe the unborn is a bunch of cells, a tumor, an appendix that could be taken out, then go ahead and dispose of her. But its a tiny human life—and deserves a chance to live.

Vote for Istook.

Mrs. LOWEY. Mr. Chairman, I yield 45 seconds to the gentlewoman from California [Ms. WOOLSEY].

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Chairman, a few weeks ago, military women, who are stationed overseas lost their right to use their own money to find a safe and legal abortion in a military hospital.

Then, Federal employees were denied their right to receive safe and legal abortions through their own insurance plans. Now, rape and incest victims, will be victimized again by this appropriations bill. Today, Medicaid recipients are losing their right to make decisions about their own reproductive health care, unless my colleagues stand up now, before it is too late, before the right to choose rings hollow for most American women.

Support the Lowey-Morella-Kolbe amendment, support a woman's right to choose.

Mr. KOLBE. Mr. Chairman, I yield the remainder of my time, 1 minute, to the gentlewoman from Ohio [Ms. PRYCE].

Ms. PRYCE. Mr. Chairman, proponents of the bill's current language claim to protect State's rights, but in the process they are punishing victims of tragic, violent crimes, and they forget that no State is forced to take Medicaid funds, but if they do, human decency dictates that we cover women who are faced with unwanted pregnancies as a result of such heinous, violent crimes. We are talking about poor women who have, by no fault of their own, been brutally victimized.

Last Congress, we determined that rape and incest are legitimate exceptions. This is the correct standard and one which should be applied consistently, one that does not further victimize the victims of sexual abuse, and one that innocent victims of our society's most horrible, most terrible, and most degrading of acts should not have to follow.

Vote to strike the Istook language.

Mrs. LOWEY. Mr. Chairman, I yield 45 seconds to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, this really boils down to one most basic question that I would like to ask all my male colleagues to ask of themselves: If your daughter, your sister, your mother, were raped and became pregnant as a result of that rape, do you really want us men in this body or the men that comprise the majority of every other State legislature around the country making that most personal decision for her?

I know in your hearts the answer is ''no,'' and that is why you must support this amendment.

Mrs. LOWEY. Mr. Chairman, I yield myself 30 seconds, the remainder of my time.

Mr. Chairman, I would just like to remind everyone again, this amendment is very clear. If Members vote against this amendment, they are sending a message to the women of America that the victims of rape must carry that rapist's child, that the victims of incest must carry their father's child.

The law is very clear. States' rights is always the last resort of scoundrels.

Mr. ISTOOK. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, many horrible things happen in life. We try to remedy them. Not all of them can be remedied from Washington, DC.

We have a system of government with 50 States that have obligations to their people.

Mr. Chairman, we are covering victims of rape and incest under the amendment that is now in the bill. Everyone lives in a State that is eligible for Federal funds to pay for an abortion procedure for a victim of rape and incest under Medicaid funding, every single State in the country.

It is then the choice of the State whether to do so. Thirty-six States, far and away the majority of the States in this country, have declared through their people the public policy that says, ''We are not going to use our funds to do that.''

If these people have a complaint, let them take it to their home States. They uphold, I am sure, their State governments and their State legislatures. If they have a gripe with them, take it to them. They do not want to do that. Our constitutional system says they should, but they do not wish to follow it.

They intend for Washington to be in charge of everything, and as difficult as it may be sometimes, we must let the States make tough choices, not say that they are all the responsibility to be made in Washington.

When he was Governor of Arkansas, Bill Clinton wrote, ''I am opposed to abortion and to government funding of abortions.'' That was in 1986. He said he opposed what these people now proposes, and then in 1993, as President, he had a directive issued telling States they must do so.

Just because he flip-flopped does not mean we should.

Mr. Chairman, I oppose the Kolbe amendment and ask the vote accordingly.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Arizona [Mr. KOLBE].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KOLBE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of August 2, 1995, further proceedings on the amendment offered by the gentleman from Arizona [Mr. KOLBE] will be postponed.

AMENDMENT OFFERED BY MR. GANSKE

Mr. GANSKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GANSKE: strike line 7 and all that follows through page 72, line 15 (relating to certain medical training programs).

The CHAIRMAN. Pursuant to the order of August 2, 1995, the gentleman from Iowa [Mr. GANSKE] and a Member in opposition each will be recognized for 10 minutes.

Does the gentleman from Texas [Mr. DELAY] wish to be recognized in opposition to the amendment?

Mr. DELAY. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas [Mr. DELAY] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Iowa [Mr. GANSKE].

Mr. GANSKE. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the amendment that I have offered with the gentlewoman from Connecticut [Mrs. JOHNSON] is simple. It allows professionally licensed organizations to continue to set their own standards for the education and accreditation of their members.

The bill, as it stands, replaces decisionmaking by the Accreditation Council on Graduate Medical Education [ACGME] with that of politicians. My amendment strikes that language.

This debate may produce the spectacle of the four physicians of this body debating on the floor of this institution residency requirements for graduate medical education. That is a sad way to do professional accreditation.

The language in this bill was adopted in response to the ACGME attempting to put into language longstanding practices for ob/gyn residents. These guidelines were unanimously approved and recognize the importance of ensuring that residents are fully trained.

However, any person or program with a religious or moral objection to abortion does not have to perform abortions. The bill, however, would deny funds to those health care entities that follow these nationally recognized standards because it mentions the word ''abortion.''

Let me be clear. This is the language we are debating. The language and the accreditation says,

No program or resident with a religious or moral objection will be required to provide training in or to perform induced abortions. Otherwise, access to experience with induced abortion must be part of residency education.

This is a reasonable standard. It recognizes the importance of exempting abortion training for any person or program who objects. The standard merely states that other residents should have access to experience with induced abortion. Induced abortions include medically indicated abortions such as those that protect the life of the mother. The ACGME standard strikes a reasonable balance that does not need to be legislated by Congress.

□ 1830

Mr. DELAY. Mr. Chairman, I yield 2½ minutes to the gentleman from Florida [Mr. WELDON], who is an internist and a trained physician.

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the ACGME is the Accreditation Council for Graduate Medical Education. It is the body that makes the determination whether or not a residency program, be it in internal medicine or obstetrics and gynecology, is accredited. It has a tremendous amount of delegated power and authority because the Government of the United States has decided that it will not reimburse hospitals with tax dollars under the Medicare and Medicaid programs unless the residents serving those patients in that hospital are in an ACGME accredited program.

Now, the abortion industry is facing a tremendous problem nationwide. It is called the graying of the industry. The abortion providers are all getting old. They have a serious problem with the shortage of providers. In steps the ACGME, and I will read to you the beginning part of what my colleague from Iowa left out. It says, ''Experience with induced abortions must be part of the residency.''

Yes, there is a conscience clause, but what will happen? The same thing that happened to me when I was a medical student.

In the middle of the night, I did not know any better, so I went in the room and I saw it. I saw a 15-year-old girl be dragged in by her mother. She was in the late half of her second trimester. She was showing. She did not want the abortion, and her mother made her do it, a saline-induced abortion. And that is why I am pro-life. It was brutal and it was wrong and it should be illegal. And now we have got the ACGME stepping in here.

Let me tell you what the Alan Guttmacher Institute says about this issue. Requiring residency programs to provide abortion training would convey the message that abortion is a core service within the ob-gyn specialty. Nobody wants to do it.

I learned communism was wrong when I was a little kid because I saw on the TV that people were climbing over the walls in Berlin to get out, and I knew they were dying to get into the United States. They were voting with their feet.

The doctors in this country have voted with their feet. They do not want to do this procedure and now we have the ACGME with the power of the Federal Government behind it stepping in and saying, you have got to train them. You have got to do it. Oppose the Ganske amendment. Support the language in the bill the way it is.

Mr. GANSKE. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in support of an amendment offered by the gentleman from Iowa, Dr. GREG GANSKE.

Mr. Chairman, let me speak from a layperson's perspective. My primary concern is that we want those who practice obstetrics and gynecology, or any other kind of medicine, to be trained in every legal medical procedure. I certainly would want to know that those treating my loved ones, families or friends, would have the best or most complete training in order to safeguard their lives in either emergency or nonemergency situations.

Quite frankly, and to close, Congress simply has no business legislating on this issue. Let us keep the heavy hand of government out of graduate medical education.

I am including for the RECORD a letter from the American College of Obstetricians and Gynecologists:

THE AMERICAN COLLEGE OF
OBSTETRICIANS AND GYNECOLOGISTS,
Washington, DC, August 2, 1995.

Hon. RODNEY FRELINGHUYSEN,
514 Cannon House Office Building
Washington, DC.

DEAR CONGRESSMAN FRELINGHUYSEN: On behalf of the American College of Obstetricians and Gynecologists (ACOG), an organization representing physicians dedicated to improving women's health care, I am writing to urge you to support a motion that will be offered by Representatives Greg Ganske and Nancy Johnson to strike Section 512 of HR 2127, the Labor, Health and Human Services Education and Related Institutions FY96 Appropriations Act. This section would prohibit the government from recognizing the Accreditation Council on Graduate Medical Education (ACGME) as the accrediting body for residency programs in Obstetrics-Gynecology if the current ACGME standards regarding abortion training are not reversed.

Section 512 was added to HR 2127 during the Appropriations Committee markup by Representative Tom DeLay and is designed to override new ob-gyn residency training requirements adopted by the ACGME. The ACGME is a private medical accreditation body composed of the American Medical Association, the American Hospital Association, the American Association of Medical Colleges, the American Board of Medical Specialties, and the Council of Medical Specialty Societies that is responsible for establishing medical standards for more than 7,400 residency programs. Earlier this year, the ACGME adopted modifications of the requirements that Obstetrics and Gynecology residency programs must meet to be accredited. These modifications include the following:

Experience with induced abortion must be a part of residency education, except for programs and residents with moral or religious objections. This education can be provided outside the institution. Experience with management of complications of abortion

must be provided to all residents. If a residency program has a religious, moral or legal restriction which prohibits the residents from performing abortions within the institution, the program must ensure that the residents receive a satisfactory education and experience managing the complications of abortion. Furthermore, such residency programs (1) must not impede residents in their program who do not have a religious or moral objection from receiving education and experience in performing abortions at another institution; and, (2) must publicize such policy to all applicants to that residency.

During the Congressional debate on this issue, misconceptions about the ACGME language have arisen that I wish to clarify. First and foremost, under the ACGME requirements, no institution or individual can be required to participate in the training of induced abortion. Thus, Section 512 seeking to override the ACGME language in order to protect institutions and individuals opposed to abortion is unnecessary given that the requirements already guarantee that any program or resident with moral or religious objections are exempted from the training. ACGME has demonstrated its fairness and its commitment to this principle by altering its language when it was argued that the requirement forced more involvement than those opposed to abortion were comfortable with. Now all that is required of a program that chooses not to provide abortion training for moral or religious reasons is that they notify residents that the program does not offer the training and that they not impede residents from getting the training elsewhere. In addition, training in elective abortions is not specified. Rather, the language requires that training in induced abortions take place.

Congressional override of the ACGME training requirements sets a very dangerous precedent. Never before has Congress sought to override educational standards, let alone standards for training in medicine. ACOG is forced to oppose any new involvement of the government in the education of physicians.

Although Section 512 is intended to address the ACGME abortion training requirements, it actually goes much farther by prohibiting federal and state programs that receive federal funds from relying on ACGME accreditation for Ob-Gyn residency programs. This could create havoc in the medical education field.

For example, to assure that federal funds are being provided for quality medical education, the Medicare program requires that to be eligible for federal funds a residency program must be accredited by ACGME. Section 512 states that the Medicare program cannot rely on ACGME accreditation, but fails to provide any indication of what standards should be used as a substitute. If Section 512 becomes law, the Medicare program would be faced with four choices in order to comply: (1) to establish a separate federal accreditation standard and compliance process for Ob-Gyn residencies; (2) to require the states to establish such a standard; (3) to encourage the formation of an alternative private accreditation standard; or (4) to have no standard and allow residence programs to receive federal funding with no quality demonstration.

In ACOG's view, none of these alternatives are desirable and several would create major problems for Ob-Gyn residency programs. The first two options involve government in a field that has traditionally been left to the private sector. No doubt establishing new government standards would be time consuming and duplicative of the work ACGME has done for years. Even if this is accepted as an appropriate role, the fate of Ob-Gyn residencies and those that are enrolled in such programs would be in doubt until such new standards could be put in place. The third option, while not involving the government, would cause the same disruptions and uncertainty, as current laws require that one must have completed an ACGME accredited program in order to become board certified in Obstetrics and Gynecology. If the government chooses any of the above options, programs would have to be accredited twice if they desire to receive federal funds and to have their residents eligible for board certification. It is unlikely that a program that does not have federal funds or whose residents are not eligible for board certification could survive. The final option removes all protections of quality, which clearly is not the desire of physicians and their patients, nor should it be the intent of the Congress.

Clearly, Section 512 could have many unintended consequences for the federal government, states, the medical education field, physicians, and their patients. Although ACOG is opposed to any federal intervention in the ACGME accreditation process, we recognize that there are those who believe Congress should intervene in this process. For those individuals, ACOG must point out that Section 512 is more far-reaching than necessary, is vague, and non-specific and should be opposed. ACOG urges you to support the Ganske-Johnson motion to strike this provision when the full House considers the Labor, HHS Appropriations bill later this week.

Sincerely,

RALPH W. HALE, MD,
Executive Director.

Mr. DELAY. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Chairman, let us be clear about what is going on here. We are moving from the status quo. Ob-gyns were never required to perform abortions. This is pro-life. Do we not think there are enough abortions already? Here is why we are doing it.

The ACLU says, abortion mandatory training would be a major step so that we can substantially have a greater number of programs teaching abortions.

The New England Journal of Medicine talks about this conscience clause. Residents who wish to opt out of abortion training should be required to explain why in a way that satisfies stringent and explicit criteria. This is not an easy way to opt out.

The Guttmacher Institute says, yes, let us move this, and with mandatory training, we can make this a core service around the country in every hospital.

Mr. Chairman, is that what we want? The Catholic Health Association says, and I agree, these program requirements are unacceptable. The intent is to expand access to induced abortion.

We had hearings on this in my subcommittee. Not once did the ACGME bring up women's health. Not once were they talking about providing women's health care. They are talking about expanding the access to abortion.

All I can say is it is ironic that at this point, people that are pro-choice now are saying to residents, you must, you must perform one of the most reprehensible and revolting medical procedures in this country today.

Mr. Chairman, what a point that we are moving to. I strongly urge opposition to the Ganske amendment.

Mr. GANSKE. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, two points. First, the ACGME was not invited to the hearing. Second, the ACGME has never said that residents would be stigmatized. That was an individual editorial printed not by the residency requirement committee.

Mr. DELAY. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan [Mr. HOEKSTRA] to respond.

Mr. HOEKSTRA. Mr. Chairman, later on today I would like to give my colleague from Iowa transcripts of the hearing. ACGME was there. They testified. We were glad to have them there.

Mr. GANSKE. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, the ACGME was only invited by the minority.

Mr. GANSKE. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BENTSEN].

(Mr. BENTSEN asked and was given permission to revise and extend his remarks.)

Mr. BENTSEN. Mr. Chairman, I thank the gentleman from Iowa for yielding me time.

Mr. Chairman, I thank the gentleman for the opportunity to speak on this amendment. This amendment is not a pro-choice or pro-life issue. It is an issue of Congress overriding medical accredication standards designed to provide a comprehensive medical education for thousands of physicians.

The Accreditation Council for Graduate Medical Education [ACGME] is a private medical accreditation body responsible for establishing medical standards for more than 7,400 residency programs in this Nation.

This amendment would remove a provision in the bill which allows institutions to bypass the accreditation process if the standards include training in abortion procedures.

Under ACGME requirements, no institution or individual is required to participate in abortion training. Any program or resident with a moral or religious objection is exempted.

Congress has never before sought to override private education standards, let alone standards for training in medicine. In a time when Congress is reducing the size and influence of government, this amendment hardly makes sense.

It is clear that some in this Congress want to take away the right to choose for all women. This stealth campaign against a woman's right to an abortion—a right guaranteed by law—but now they are going after the medical schools and the doctors, and that is just plain wrong.

Mr. GANSKE. Mr. Chairman, I yield 1 minute to the gentlewoman from New Jersey [Mrs. ROUKEMA].

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of the Ganske-Johnson amendment.

Mr. Chairman, all that this amendment does is strike the prohibitive language presently contained in the bill thereby maintaining Federal requirements concerning the Accreditation Council on Graduate Medical Education's evaluation of residency programs in obstetrics and gynecology.

Mr. Chairman, this past June, the Accreditation Council proposed important reforms that would respect and protect the rights of those programs and residents with moral or religious objections to abortions. And, let me make clear to my colleagues just what these reforms said.

These reforms state that those residents who want to receive abortion education outside of the institution they are attending cannot be impeded from doing so. And, at those institutions that do not train residents in performing abortions, they must provide residents with satisfactory experience and education in managing the complications of abortion.

And, this experience and education is well described in a Dear Colleague circulated in opposition to the Ganske-Johnson amendment. And I quote:

Ob/Gyn residents already learn the techniques to handle pregnancy, miscarriages and complications from abortions and, in learning these, learn the medical techniques to handle those extremely rare situations in which an abortion is actually performed in response to a women's health emergency.

Mr. Chairman, it is quite clear from both the stated reforms and comments of my colleagues opposed to the current standards that no resident or institution opposed to abortion is required to practice such a procedure. But, this simple truth does not matter to some abortion opponents.

Under the language in H.R. 2127, not only would Federal and State accreditation requirements be nullified if abortion training is a criterion, but the Accreditation Council could not even license or provide financial assistance to any institution that provides training in induced abortions or assists a resident in receiving training outside of that institution.

Mr. Chairman, this is just plain absurd. Lets get the facts straight. Once again, abortion opponents are taking the issue too far. Nothing under current regulations forces abortion training for residents and conditions licensure and financial assistance on institutions opposed to abortion.

Let's recognize this for what it is—

Totalitarian un-American-like interference in Medical education curricula—Is the Federal Government really going to dictate to professionals how their educations should be structured and their academic freedoms curtailed? And if you think I distort or exaggerate turn the issue around—suppose the pro-choice advocates required all academic centers, even religious institutions to teach abortion medical techniques and to perform abortions against their convictions. That would be a violation of their own convictions just as this provision is a violation of professional and academic freedoms. We are talking about a medical procedure that is legal under the laws of our country and confirmed by the Supreme Court. A medical procedure that should be taught to medical profession as long as their own moral convictions aren't violated.

Mr. DELAY. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. SMITH]

Mr. SMITH of New Jersey. Mr. Chairman, let me say very closely that the DeLay amendment does not force the accreditation council to change its accreditation standards, but it does say that in determining who can receive Federal benefits, the Federal Government will not be guided by an organization that discriminates against institutions which do not offer, quote, experience with induced abortion as a standard part of their medical training.

Mr. Chairman, this amendment would deny doctors the right to choose not to do abortions. This is a very heavy-handed push by the abortion industry because fewer and fewer residents and members of the medical profession are going into the abortion industry. This is a heavy-handed effort to use the power of the Federal purse to coercion, to force, to pressure.

Yes, there is some opt out language, but this would mainstream the killing of unborn children on demand for any reason whatsoever, and to coerce these individual residents and their residency programs to be a part of that. This is a part of the abortion industry's push. I hope that this amendment gets rejected.

Mr. GANSKE. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, every day I hear my Republican colleagues say we should keep the Government out of business, we should keep the Government out of education, we should keep the Government out of the environment. Yet, here we are debating whether our not the Government should interfere with the decision-making process of a private organization.

Mr. Chairman, we are debating whether the lawyers and the business people who sit in Congress should be deciding the curriculum for graduate medical education. So much for small government.

The medical experts at ACGME understand that basic women's health includes the full range of reproductive services, including abortion. They understand that women's lives will be put at risk if OB–GYNs are not trained to serve all of their health needs.

Mr. Chairman, who are we in this body to impose our medical expertise on the doctors and patients of America?

I urge my colleagues to support this amendment and it should reject the hypocrisy of so-called proponents of small government.

Mr. DELAY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, in 1 minute, I might say, if the moral language brought out by the gentleman from Iowa provided any comfort to these teaching institutions, why are they against his amendment and for my amendment in this bill?

We must act on this because Medicare and other Federal benefits and the heal programs that loans to these doctor students are based upon accreditation. Simply put, the accreditation council has issued guidelines which require medical students to be trained in performing abortions, and the language in this bill ensures that Federal programs and States receiving funds under the bill do not penalize doctors and hospitals that refuse to perform abortions when they give accreditation and receive Federal dollars to practice medicine. We are getting the Government out of these private institutions.

What has happened is this ACGME has decided to get involved in abortion politics and to force abortion training on people that do not want it. Vote no on the Ganske amendment.

Mr. GANSKE. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. WAXMAN].

(Mr. WAXMAN asked and was given permission to revise and extend his remarks.)

Mr. WAXMAN. Mr. Chairman, the amendment is about who controls medical education, the Government or the medical profession.

The American College of Obstetricians and Gynecologists have made a determination that while abortion is a legal procedure, medical schools should ensure that students know what is safe, ethical, and legal and what is malpractice.

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I strongly support the Ganske amendment. Government should not be telling schools what they can and cannot teach.

Mr. GANSKE. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. DINGELL].

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, I rise in support of the amendment. This bill is not the place to debate the standards, and the time and the fashion of accrediting health professional schools. We should not be using this bill to get crosswise with the legitimate programs of accreditation which rest with the standards of practice of medical professional societies.

Since this House convened for the first time this year, I have been hearing from this side of the aisle my colleagues saying it is time for government to get out of decisions which are made by citizens on matters which affect them. I see no reason why we

should not apply that very sensible rule here at this time. Accreditation is something which relates to professional competence, and professional competence requires that people who engage in professional activities should know all about all parts of their business.

I happen to personally oppose abortion, but I recognize the need to have a properly trained medical profession in this country.

Mr. GANSKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let us look at the language in the requirements. The language says no program or resident with a religious or moral objection will be required to provide training in or to perform induced abortions. This is reasonable. This amendment is about government involvement in professional accreditation.

Whatever my colleagues' position on abortion, I urge them to support this amendment and resist the effort to overturn who controls professional standards.

I am antiabortion, as is the cosponsor, but we agree that Congress should not set a precedent which would place us in the position of being Big Brother to every licensed professional in America. Who would be next? Teachers? Nurses? Architects? Engineers? Accountants? Or lawyers?

Mr. Chairman, this bill sets a very worrisome precedent. Will the ACGME's moral and religious exemption be eliminated by a future Congress less concerned about the rights of individuals or hospitals to not perform abortions?

Support the Ganske-Johnson amendment and limit the intrusion of the Federal Government into private accreditation.

Mr. Chairman, I yield the balance of my time to the gentlewoman from Connecticut [Mrs. Johnson].

The CHAIRMAN. The gentlewoman from Connecticut is recognized for 30 seconds.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise today to join my colleague from Iowa in support of the Ganske-Johnson amendment. This amendment preserves the traditional process of allowing private accrediting boards to set their standards free from Congressional interference.

Let us understand clearly the implications of the underlying bill. It sets the precedent for congressional meddling in accrediting standards for the training of doctors now, but potentially lawyers, teachers, accountants, or any other privately accredited profession in the future. It is ludicrous to presume that Congress is capable of judging and amending the standards set by bodies such as the Accreditation Council for Graduate Medical Education, (a professional accrediting board comprised of the American Medical Association, American Association of Medical Colleges, and several others). This body has traditionally determined the standards to which physicians and medical schools must adhere. They revise their accrediting standards on a regular basis, in order to take into account changes in the world around them, and their decisions have been universally respected. Never has Congress sought to intervene!

Let me be clear. This amendment is about standard-setting and who should establish professional standards. Are we prepared to judge that inducing an abortion is not medically different from managing a spontaneous abortion (also known as miscarriage) in which some dilation has naturally occurred, and some contraction of the uterus has thickened its walls? Do we want to rule here today that there is no greater danger of perforating a uterus when no contractions have occurred than when contractions have occurred? Do you want a physician who lacks the knowledge of what to expect, and therefore how to react? As a woman, I don't want you judging this. I want the experts setting these standards. The fact that the physicians in this House disagree on the ACGME policy underscores the importance of keeping this issue out of the political arena.

I urge my colleagues to keep government where it belongs, outside the process by which America has always set high standards for its medical training institutions. Vote "yes" on the Ganske-Johnson amendment.

Mr. DELAY. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington [Mr. MCDERMOTT].

(Mr. MCDERMOTT asked and was given permission to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Iowa [Mr. GANSKE].

Mr. DELAY. Mr. Chairman, I yield the balance of my time to the gentleman from Oklahoma [Mr. COBURN], who is trained as an ob/gyn.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma [Mr. COBURN] for 3 minutes.

Mr. COBURN. Mr. Chairman, I would make a correction. I am trained as a family practice resident and obstetrician.

As many of my colleagues know, I am an actively practicing obstetrician, and this past weekend I spent a great deal of time and had great pleasure delivering a number of newborn Oklahoma babies. Therefore, the subject I am going to talk about is based upon profound, prolonged, and years of experience. I cared for over 5,000 women, delivered in excess of 3,000 babies, and, yes, have had the unfortunate circumstances of having had to perform abortions to save the life of women. But I think it is interesting that we should talk about what the issues really are.

Many people have said that the Government should not be involved in this issue. The fact that we are involved in this issue is because a government-ordained accrediting agency has stepped outside the bounds of medicine and into the bounds of political expediency and political correctness. That is why it is being addressed in this legislation. The action of the Congress in this bill is appropriate to see that the organizations stay within the bounds of their charter, and that is our oversight responsibility.

Now the other issue: The ACGME argument is a fallacious argument. Any doctor trained to handle the first or second trimester of pregnancy is already trained to do a induced abortion. The argument is specious. They already have all the skills that are necessary to perform an induced abortion. So, if the basis of this argument from ACGME is not based on medical need, what could it possibly be based on? For such an accrediting body to act in such an irresponsible fashion the reason is very simple. It is very sly, but it is very simple. It is based on desensitization and coercion in order to obtain a certain desired political result.

Mr. Chairman, there is a shortage of abortionists in this country, not because they lack training, but because most physicians abhor the procedure of abortion and refuse to do that procedure. The way they would have us fix this is to coerce training for every resident physician. Those who object? Yes, they can opt out, but the real fact of being in a residency program is, if someone tries to opt out, they are going to be coerced in a number of ways that will make it very difficult for them to be in that residency. So, the real result of the policy is to coerce a certain action.

This is an accreditation for quality medical care. This is about increasing the supply of abortionists, and this is an area of active responsibility by this Congress to confront those who have shirked their delegated responsibility and have abused it for political purposes. Let us call it what it is. It is social and political engineering. It has nothing to do with quality medical care or quality medical training, and it has nothing to do with quality resident training.

Mr. WAXMAN. Mr. Chairman, this amendment is about who controls medical education—the Government or the medical profession.

Medical schools and professional societies have directed their own curriculum standards since the beginning of organized medical training.

The Federal Government has never interfered in that effort, even after years of proposals about things that various politicians have thought would be a good idea.

The political manipulation of curriculum and licensure is wrong. Congress should leave medical education to educators and should leave professional licensure to professionals.

The American College of Obstetricians and Gynecologists have made a determination that while abortion is a legal procedure, medical schools should ensure that students know what is safe, ethical and legal and what is malpractice.

If you want to limit abortion, you should vote to limit abortion—and there are plenty of chances in this bill to do that. But you should not vote to get the Federal Government involved in classrooms, curriculum, and school accreditation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GANSKE].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GANSKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, August 2, 1995, further proceedings on the amendment offered by the gentleman from Iowa [Mr. GANSKE] will be postponed.

Are there further amendments to title V?

AMENDMENT OFFERED BY MR. BLUTE

Mr. BLUTE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BLUTE: Page 75, after line 24, insert the following section:

SEC. 514. Of the total amount made available in titles I through IV of this Act, there is hereby made available for carrying out title XXVI of the Omnibus Budget Reconciliation Act of 1981 an amount that is equal to 2 percent of such total amount (exclusive of funds that are by law required to be made available) and that is derived by hereby reducing each account in such titles (exclusive of such funds) on a pro rata basis to provide such 2 percent.

The CHAIRMAN. Pursuant to the order of August 2, 1995, the gentleman from Massachusetts [Mr. BLUTE] and a Member opposed will each be recognized for 10 minutes.

Mr. OBEY. Mr. Chairman, I claim the time in opposition to the gentleman's amendment.

The CHAIRMAN. The gentleman from Wisconsin will be recognized for 10 minutes in opposition.

The Chair recognizes the gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is fairly simple and straightforward. The Low Income Home Energy Assistance Program [LIHEAP] was not funded in the appropriations process this year. I think that was a mistake. Through this amendment I seek to correct that situation by reducing the overall funds available in the bill by 2 percent and applying that money to LIHEAP. This would provide—according to CBO—$500 million in funding for this authorized program, less than the program received last year but maintaining an important effort to help real people with real problems.

LIHEAP provides much-needed energy assistance services for thousands of poor and elderly Americans in my State of Massachusetts as well as in other cold weather States who otherwise could not afford to heat their homes during the cold winter months. It is estimated that nearly 6.1 million households nationwide received heating assistance during fiscal year 1994 and about half of those households contained an elderly or disabled person. Furthermore, in areas of the country where the economy is experiencing only a very modest recovery, the impact of cutting fuel assistance will be especially detrimental.

LIHEAP-eligible Americans don't have the resources necessary to take care of the heating bill for a variety of reasons, and this money is needed to help them pay the utility bill. Low income households spend more of their total income for heating than the rest of us. That leaves precious little left for other necessities.

Without LIHEAP funding, the choice for these people is between eating a meal or heating their homes during the harsh winter months. In my opinion, that is no choice at all. Make no mistake about this program. It deals with a basic human need: adequate shelter during extreme weather conditions.

It should also be pointed out, that if LIHEAP funding is eliminated, the private sector may not necessarily be able to absorb fuel assistance costs. In New England, the primary fuel consumed during the winter is heating oil. While large electric or gas utilities may be able to absorb the costs for needy customers who cannot afford to pay their bills, small independent heating oil companies cannot afford to lose that revenue. In fact, home heating oil companies already sell the fuel at substantially reduced prices to their LIHEAP customers. Placing an additional financial burden on these small businesses is not a smart thing to do, and it will not work.

LIHEAP opponents will tell you that the program was created to provide temporary relief during the energy crisis when fuel prices were high. The fact of the matter is, even though fuel costs have stabilized, income levels have not kept pace and many people still find themselves unable to afford adequate heat in their homes. The number of senior citizens on fixed incomes has increased, continuing the substantial need for this program.

But, Mr. Chairman, LIHEAP doesn't only help those enduring extreme cold. We all are well aware of the recent tragedy and loss of life across the country due to the massive heat wave. In an effort to help those who cannot even afford a simple fan to help deal with the scorching heat, last week the President released $100 million in emergency LIHEAP funds to assist 19 States hit in the heat wave. With no relief in sight from this heat, more LIHEAP funding may be necessary to help defray the cost of the cooling bill.

The elimination of LIHEAP funding makes a bad situation even worse. If the Labor-HHS bill passes without restoring LIHEAP funds, the next time the temperature climbs into triple digits, there won't be any money to help people cope and the toll on our citizens could be devastating.

The best part about LIHEAP is that it is a block grant program. It provides specific funds to the states to disburse them in the best manner for each particular State and caps administrative expenses at 10 percent. LIHEAP is not another bureaucratic welfare program long on good intentions but sadly short on outcome. I strongly believe that reducing the deficit should be a top priority, and that is why my amendment cuts funding in other areas of the bill to pay for the restoration of LIHEAP. A program as important as LIHEAP is to the well-being of Americans living in areas of the country that experience temperature extremes should not be compromised.

LIHEAP is not a welfare program. It is a subsidy that helps economically disadvantaged hard working families and older Americans make ends meet. For this reason, I hope that you will join me in preserving funding for LIHEAP, vote for the Blute amendment.

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Mr. OBEY. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, this is one of the most spectacular cover-up amendments that I have seen offered in a long time. I am the sponsor, the original sponsor, of the low income heating assistance program. Silvio Conte and I and Ed Muskie started that program a long time ago. We did it because we were tired of seeing senior citizens have to choose between paying their prescription drug bills and heating their homes.

God knows, there has been no one in this House through the years who has been a bigger defender of the low income heating assistance program than I have. I think it is absolutely crucial, but I want to tell you that this amendment is a last-minute operation which effectively simply covers political tracks for past actions taken in this House. That is the effect of it.

If you wanted to keep funding for LIHEAP in the budget, the time to do that is when you voted for the budget resolution that guaranteed that seniors would get clobbered in this bill. If you wanted to save LIHEAP, the time to do that was when we had a fight in the Committee on Appropriations over the 602(b) allocation made by the chairman which decided how much money would be available to this subcommittee and how much money would be available to Defense.

At that time, I offered an alternative which every single Republican opposed in that committee, every single one, which would have added $3 billion to this bill and then some and made it possible for us to save LIHEAP. The only real way, the only real way that you can save LIHEAP is to defeat this entire bill so that you can send it back to the committee, send the Defense bill back to the committee, and redo the 602 allocations so you have got some real room to fix LIHEAP.

If you do not do that, you are pretending that you are going to finance LIHEAP and you say: ''Oh, it is only going to be a 2 percent cut in other

programs.'' Baloney. Head Start has already been cut by a huge amount. Education has already been cut by $2.5 billion. Older workers have already lost 14,000 jobs, and you are going to cut them again. Drug-free schools have already been cut by 50 percent.

You are going to wind up, if you pass this amendment, cutting cancer research, cutting heart disease research, cutting Alzheimer's research, cutting virtually every medical research operation out at NIH.

There is nothing wrong with half of the gentleman's amendment, the half that tries to save the LIHEAP program. But the place that he gets the money from ought to be totally unacceptable to anybody who cares about education, about job training, about health care or senior nutrition or senior jobs.

I do not know of many senior citizens who appreciate being put in the position where they have to choose between having a tough time paying their home heating bills and dying because cancer research is not going to be strengthened. I do not think that is a choice we ought to be putting most seniors in. I certainly do not think that that is the kind of choice that many Members of this House tonight are going to find very useful.

So I would simply say I very much want half of the gentleman's amendment, but I am not going to stand here and pretend that this is the way to fix it. The only way that you can really preserve the ability to protect LIHEAP without cutting cancer research, without cutting NIH, without cutting senior nutrition is to beat this bill, send it back to committee, get a new 602 allocation so that you do not have to decide which senior citizen is going to take it in the chops.

Mr. BLUTE. Mr. Chairman, I yield 30 seconds to the gentleman from Arkansas [Mr. DICKEY].

Mr. DICKEY. Mr. Chairman, I would like to refute the gentleman from Wisconsin [Mr. OBEY] in one respect, and that is he talks about we are taking money away from Head Start; $161 million was proposed to be given to Head Start in our subcommittee meeting. You could have voted for that twice. Twice you said no. Twice you said Head Start was not a priority. You said twice that it was not a priority.

You considered other things more important than Head Start, one of which was to keep 628 lawyers well financed, well paid in the National Labor Relations Board.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

You betcha I voted against your amendment because of where you took the money. You had a personal axe to grind with Overnite Truck, with the NLRB because you did not like what they had done in the Overnite Truck situation.

So what did you do? After you sent a letter to the NLRB telling them you wanted them to rule a certain way and they did not rule that way, you offered an amendment to cut the guts out of their budget, and then you put it in Head Start.

And you want us to give you gold stars? Baloney. I think that is crossing the line. I am not only proud that I voted against your amendment, I think you should have been ashamed for offering it.

Mr. BLUTE. Mr. Chairman, I yield 1 minute to the gentleman from Buffalo, NY [Mr. QUINN].

Mr. QUINN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this is about priorities today in this discussion, and I rise today as I have in the past to speak on the merits of the LIHEAP program. This important program, of course, provides cash supplements to assist low income households to pay winter heating bills. It is disturbing to many of us today that we have this bill before us that has no funding in the Federal year of 1996, and these serve probably the poorest households in the country and across all of our districts.

Many of our low-income citizens must pay a high percentage of their incomes already and quite simply cannot meet to pay their own energy needs. These LIHEAP recipients have an average income during the course of a year of only a little bit over $8,000 a year. Without some kind of assistance for their heating needs, these people could be absolutely put in dire straits.

The effects of being without heat are obvious to those of us who come from the Northeast and understand these kind of temperatures that we are looking at, not only the summer problems, of course, but those in the winter.

Mr. Chairman, I am proud to offer my support for the gentleman's amendment.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER], the distinguished subcommittee chairman.

Mr. PORTER. Mr. Chairman, the $1.2 billion that Mr. BLUTE would add in his amendment would require a $63 million reduction in job training, a $17 million additional reduction in community health centers, a $13 million reduction in AIDS treatment services, the same amount that was added in the full committee by Mr. RIGGS, a $41 million reduction in the CDC, $1 million in the program of violence against women, reduce cancer research by $45 million, including breast cancer and cervical cancer, would cut heart disease research by $27 million.

It would cut drug abuse prevention and treatment programs by $36 million, Head Start by $68 million. Title I education for disadvantaged children, already reduced by $1.2 billion, would be cut another $120 million. Pell grants would be cut $114 million. Social Security would be cut $118 million.

I believe that we are at a point of decision as to whether a program that no longer has any Federal rationale for its existence here and that ought to be handled by the States and now amounts to simply a subsidy of the utilities who ought to handle this problem for all of their customers, whether this program continues or not I think it is time say it has got to be terminated. We do not have the money when we are running huge deficits to keep alive programs which have long since lost any reason to exist at the Federal level.

I would urge the vote, the Members to vote ''no.''

Mr. BLUTE. Mr. Chairman, I yield myself 30 seconds just to respond.

Mr. Chairman, in my district, in districts across the country, this is a very important program. Indeed the programs that the gentleman from Illinois [Mr. PORTER] has mentioned are all important programs, no doubt, but I do not think they have the direct implication of the well-being and indeed the very health of senior citizens and others as this important program does. This literally is the difference between a winter of health problems or not. I think it is very important.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New Jersey [Mr. LOBIONDO].

Mr. LOBIONDO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Blute amendment. I believe strongly in cutting spending and balancing the budget. And I know that in order to do that, we are going to have to make some tough decisions.

But getting rid of the LIHEAP program is a mistake.

Mr. Chairman, many areas throughout the Nation have been experiencing a brutal heat wave—a heat wave that has claimed the lives of people in their homes and apartments. And it is tragic.

But the flip side of this happens in my home State in the winter. Where senior citizens and the poor literally freeze to death in their homes.

This amendment will help countless of poor people in my district to pay their energy bills and for many of them, it is a matter of life and death.

I know opponents will say that LIHEAP is a relic of the energy crisis, that energy prices have dropped since then and therefore we no longer need the program.

But every winter I get calls from constituents and they have to decide whether or not to pay their utility bill or buy food because they don't have enough money to do both. When that happens, Mr. Chairman, it means little to the people who cannot afford it that energy prices have gone down.

Mr. Chairman, I am not a Member of Congress who has been defending the status quo or advocating more spending. I believe in balancing the budget and I have come to this floor time and again to support spending cuts below the levels produced by the Appropriations Committee.

I commend the gentleman from Massachusetts for his amendment and ask

for a ''yes'' vote from my colleagues on both sides of the aisle.

Mr. OBEY. I yield 1½ minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I am very pleased to hear Mr. BLUTE and my Republican colleagues speak so glowingly about LIHEAP. I know how important this program is in New York and the Northeast and other areas of this country, and I support those words.

However, the only way we can fix it, and let us face it, let us talk about the facts, is to defeat this bill and send it straight back to the committee.

Because I want it made very clear to the American people what this amendment does. It will cut breast cancer screening $3 million; Healthy Start, $1 million; Head Start, $68 million; mental health services, $7 million; drug treatment, $24 million; student aid, $140 million; maternal and child health, $14 million; and on and on and on.

This bill is broken. It is making severe cuts not only in vital programs like LIHEAP but in all the programs I talked about. Let us defeat this bill. Let us send it back to the committee and let us hope we can do it right the next time.

Mr. BLUTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we also face a tremendous financial crisis in our country. We need to have a balanced budget. I think that is of prime importance to the future of our country for all Americans. So just as they do in State legislatures, we are going to be forced to make tough choices, to make tough tradeoffs, some of which we do not like.

The fact is that the ultimate good of balancing the budget is essential. In this case, we are showing where the money is coming from, from more than a budget.

Some of those things that are in there are important, but I would submit to the Members of this Congress and the people of this country that this program is an essential program, is an important program, and it has direct effect on real people and their relative health and well-being during the extreme weather conditions that we find across our country.

It is a national program. All States are eligible for this assistance. The President just released $100 million to 19 States as a result of the recent heat wave.

It is a State-controlled program. It limits administrative expenses to 10 percent. It helped more than 6.1 million households last year.

Cuts in LIHEAP would disproportionately hurt those most vulnerable, the disabled, elderly, and young children. Fifty percent of LIHEAP-eligible households have an elderly or handicapped person residing in them. I happen to think this is an important program. I am willing to see other programs lose revenue to fund this important program.

□ 1915

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

Our job is not to defend programs. It is to defend people. I would say to the gentleman, the real level of your dedication to LIHEAP will be seen by how he votes on final passage on this turkey of a bill.

I am the original author of the LIHEAP program, but I am not cynical enough to suggest that it be financed by cutting Social Security, cutting cancer research, cutting breast cancer research, cutting drug treatment, cutting student aid, cutting senior citizen nutrition.

I would suggest instead of cutting these programs, why not bring an amendment up here to cut the B–2, to cut the F–22? Why not take the money out of there? The gentleman voted for a budget which allowed the Pentagon to get an increase to $7 billion, while he took $9 billion out of this bill. Now he is suffering the consequences and he is wimping out. That is what is behind this amendment.

I urge a ''no'' vote.

Mr. STOKES, Mr. Chairman, the actions taken by the majority on the committee devastate the quality of life for two of what should be the most cherished segments of our society—our children and our elderly. This bill is bad for children and bad for the elderly.

The $24 million cut in meals for the elderly means that 12 million meals would no longer be available. Tens of thousands of elderly would be forced to go hungry. In my State of Ohio, the elderly would lose over 400,000 meals. Those in California would lose over 1 million meals, Louisiana over 240,000, Texas over 750,000, Mississippi over 100,000, Arkansas over 190,000, Oklahoma over 200,000, New York over 1 million, Michigan over 500,000, Illinois over 400,000, the list goes on and on.

While we are asking the elderly to go hungry, we are also asking them to ignore their need for heating in winter and cooling in summer. H.R. 2127 eliminates funding for LIHEAP. One would think that the 700 tragic and needless deaths from the recent heat wave would be enough to make us realize what is wrong with this bill. Without LIHEAP, over 6 million people will no longer have the energy assistance they need, and would be forced to make life threatening choices.

With respect to our children, while they are the weakest and most vulnerable in our society. They are among the hardest hit by this bill. The $55 million, or over 50 percent, cut in the Healthy Start Program means that over 1 million women would be denied the comprehensive prenatal and other health care, social and support services they need. The Nation's effort to combat infant mortality at a time when progress is just beginning to be made in addressing this national health problem would be devastated. With respect to Head Start, the $137 million cut means that nearly 50,000 fewer children will be served.

Mr. Speaker, I ask my colleague to show some mercy on our children and our elderly, reject H.R. 2127

Mrs. KENNELLY. Mr. Chairman, this appropriations bill makes many painful and unnecessary cuts. But nowhere is this bill more damaging than in its refusal to help millions of elderly and low-income people pay their energy bills.

Eighteen months ago, we went through a brutal winter with temperatures plunging below zero for weeks on end. LIHEAP was there to shield millions of seniors and children from the cold.

This month, the temperature climbed into the hundreds, causing hardship for many families in my district and in districts across the country. Again, LIHEAP was there to protect them from the heat—and the President's emergency release of $100 million LIHEAP funds was quite literally a life-saver for millions of people.

In the coming years, we will face extreme cold and unbearable heat again. And once again, our constituents will look to LIHEAP for assistance. But if we pass this bill as is, LIHEAP won't be there for them.

Opponents of LIHEAP admit that program works, but they think that cutting it is a smart way to reduce the deficit. I can tell you that when the country calls for fiscal responsibility, it is not suggesting that we leave seniors and children to suffer in severe weather.

Cutting an effective program like LIHEAP is a penny-wise, pound-foolish proposal that will endanger our society's most vulnerable members.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I want to commend Chairman PORTER for completing the fiscal year 1996 Labor, Health and Human Services, and Education appropriations bill under circumstances that can be described only as Herculean. I am a strong supporter of the Low-Income Home Energy Assistance Program [LIHEAP] and this is where I respectfully differ from my colleague from Illinois.

To put it quite simply, this program insures many families in my district that they do not have to choose between eating or heating. I have heard the argument that this program is no longer needed, that this program was crafted only a vehicle to get our Nation's poorest out of the energy crisis of the 1970's. But, I believe that is incorrect. LIHEAP is still necessary; unaffordable utility costs continue to be a crisis for low-income households.

The facts speak for themselves. LIHEAP brings potentially life-saving heat to nearly 6 million poor families, or roughly 12 million individuals with an average income of $8,000; of these individuals about 30 percent are elderly, and 20 percent are disabled. These families spend three times as much of their income on energy as does the average American household and the average program benefit is only $200.

We need to assure our constituents of our ongoing efforts to reform Federal social service programs, and to allow greater local flexibility. Because of its 10 percent cap on administrative expenses, LIHEAP delivers maximum benefits to those in need without any fraud or abuse. Eliminating an effective program like LIHEAP sends a confusing and inconsistent message to the states. In closing, I understand the budgetary reality in which we legislate, but I cannot stand silent as this Appropriations Subcommittee attempts to eliminate this effective Federal program.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. BLUTE].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BLUTE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of August 2, 1995, further proceedings on the amendment offered by the gentleman from Massachusetts [Mr. BLUTE] will be postponed.

The CHAIRMAN. Are there further amendments to title V?

If not, the Clerk will designate title VI.

The text of title VI is as follows:

TITLE VI—POLITICAL ADVOCACY

PROHIBITION ON THE USE OF FEDERAL FUNDS FOR POLITICAL ADVOCACY

SEC. 601. (a) LIMITATIONS.—Notwithstanding any other provision of law, the following limitations apply to any grant which is made from funds appropriated under this or any other Act or controlled under any congressional authorization until Congress provides specific exceptions in subsequent Acts:

(1) No grantee may use funds from any grant to engage in political advocacy.

(2) No grant applicant may receive any grant if its expenditures for political advocacy for any one of the previous five Federal fiscal years exceeded its prohibited political advocacy threshold (but no Federal fiscal year before 1996 shall be considered). For purposes of this title, the prohibited political advocacy threshold for a given Federal fiscal year is to be determined by the following formula:

(A) calculate the difference between the grant applicant's total expenditures made in a given Federal fiscal year and the total grants it received in that Federal fiscal year;

(B) for the first $20,000,000 of the difference calculated in (A), multiply by .05;

(C) for the remainder of the difference calculated in (A), multiply by .01;

(D) the sum of the products described in (B) and (C) equals the prohibited political advocacy threshold.

(3) During any one Federal fiscal year in which a grantee has possession, custody or control of grant funds, the grantee shall not use any funds (whether derived from grants or otherwise) to engage in political advocacy in excess of its prohibited political advocacy threshold for the prior Federal fiscal year.

(4) No grantee may use funds from any grant to purchase or secure any goods or services (including dues and membership fees) from any other individual, entity, or organization whose expenditures for political advocacy for the previous Federal fiscal year exceeded 15 percent of its total expenditures for that Federal fiscal year.

(5) No grantee may use funds from any grant for any purpose (including but not limited to extending subsequent grants to any other individual, entity, or organization) other than to purchase or secure goods or services, except as specifically permitted by Congress in the law authorizing the grant.

(6) Any individual, entity, or organization that awards or administers a grant shall take reasonable steps to ensure that the grantee complies with the requirements of this title. Reasonable steps to ensure compliance shall include written notice to a grantee that it is receiving a grant, and that the provisions of this title apply to the grantee.

(b) ENFORCEMENT.—The following enforcement provisions apply with respect to the limitations imposed under subsection (a):

(1) Each grantee shall be subject to audit from time to time as follows:

(A) Audits may be requested and conducted by the General Accounting Office or other auditing entity authorized by Congress, including the inspector general of the Federal entity awarding or administering the grant.

(B) Grantees shall follow generally accepted accounting principles in keeping books and records relating to each grant and no Federal entity may impose more burdensome accounting requirements for purposes of enforcing this title.

(C) A grantee that engages in political advocacy shall have the burden of proving, by clear and convincing evidence, that it is in compliance with the limitations of this section.

(2) Violations by a grantee of the limitations contained in subsection (a) may be enforced and the grant may be recovered in the same manner and to the same extent as a false or fraudulent claim for payment or approval made to the Federal Government pursuant to sections 3729 through 3812 of title 31, United States Code.

(3) Any officer or employee of the Federal Government who awards or administers funds from any grant to a grantee who is not in compliance with this section shall—

(A) for knowing or negligent noncompliance with this section, be subjected to appropriate administrative discipline, including, when circumstances warrant, suspension from duty without pay or removal from office; and

(B) for knowing noncompliance with this section, pay a civil penalty of not more than $5,000 for each improper disbursement of funds.

(c) DEFINITIONS.—For purposes of this title:

(1) POLITICAL ADVOCACY.—The term ''political advocacy'' includes—

(A) carrying on propaganda, or otherwise attempting to influence legislation or agency action, including, but not limited to monetary or in-kind contributions, endorsements, publicity, or similar activity;

(B) participating or intervening in (including the publishing or distributing of statements) any political campaign on behalf of (or in opposition to) any candidate for public office, including but not limited to monetary or in-kind contributions, endorsements, publicity, or similar activity;

(C) participating in any judicial litigation or agency proceeding (including as an amicus curiae) in which agents or instrumentalities of Federal, State, or local governments are parties, other than litigation in which the grantee or grant applicant: is a defendant appearing in its own behalf; is defending its tax-exempt status; or is challenging a government decision or action directed specifically at the powers, rights, or duties of that grantee or grant applicant; and

(D) allocating, disbursing, or contributing any funds or in-kind support to any individual, entity or organization whose expenditures for political advocacy for the previous Federal fiscal year exceeded 15 percent of its total expenditures for that Federal fiscal year.

(2) INFLUENCE LEGISLATION OR AGENCY ACTION.—

(A) GENERAL RULE.—Except as otherwise provided in subparagraph (B), the term ''influence legislation or agency action'' includes—

(i) any attempt to influence any legislation or agency action through an attempt to affect the opinions of the general public or any segment thereof, and

(ii) any attempt to influence any legislation or agency action through communication with any member or employee of a legislative body or agency, or with any government official or employee who may participate in the formulation of the legislation or agency action.

(B) EXCEPTIONS.—The term ''influence legislation or agency action'' does not include—

(i) making available the results of nonpartisan analysis, study, research, or debate;

(ii) providing technical advice or assistance (where such advice would otherwise constitute the influencing of legislation or agency action) to a governmental body or to a committee or other subdivision thereof in response to a written request by such body or subdivision, as the case may be;

(iii) communications between the grantee and its bona fide members with respect to legislation, proposed legislation, agency action, or proposed agency action of direct interest to the grantee and such members, other than communications described in subparagraph (C);

(iv) any communication with a governmental official or employee; other than—

(I) a communication with a member or employee of a legislative body or agency (where such communication would otherwise constitute the influencing of legislation or agency action); or

(II) a communication the principal purpose of which is to influence legislation or agency action; and

(v) official communications by employees of State or local governments, or by organizations whose membership consists exclusively of State or local governments.

(C) COMMUNICATIONS WITH MEMBERS.—

(i) A communication between a grantee and any bona fide member of such organization to directly encourage such member to communicate as provided in paragraph (2)(A)(ii) shall be treated as a (2)(A)(ii) communication by the grantee itself.

(ii) A communication between a grantee and any bona fide member of such organization to directly encourage such member to urge persons other than members to communicate as provided in either clause (i) or (ii) of paragraph (2)(A) shall be treated as a communication described in paragraph (2)(A)(i).

(3) The term ''legislation'' includes the introduction, amendment, enactment, passage, defeat, ratification, or repeal of Acts, bills, resolutions, treaties, declarations, confirmations, articles of impeachment, or similar items by the Congress, any State legislature, any local council or similar governing body, or by the public in a referendum, initiative, constitutional amendment, recall, confirmation, or similar procedure.

(4) The term ''grant'' includes the provision of any Federal funds, appropriated under this or any other Act, or other thing of value to carry out a public purpose of the United States, except: the provision of funds for acquisition (by purchase, lease or barter) of property or services for the direct benefit or use of the United States, or the payments of loans, debts, or entitlements; or the provision of funds to an Article I or III court.

(5) The term ''grantee'' includes any recipient of any grant. The term shall not include any state or local government, but shall include any recipient receiving a grant (as defined by subsection c(4)) from a state or local government.

(6) The term ''agency action'' includes the definition contained in section 551 of Title 5, United States Code, and includes action by state or local government agencies.

(7) The term ''agency proceeding'' includes the definition contained in section 551 of Title 5, United States Code, and includes proceedings by state or local government agencies.

DISCLOSURE REQUIREMENTS

SEC. 602. (a) Not later than December 31 of each year, a grantee shall provide (via either electronic or paper medium) to each Federal entity that awarded or administered its grant an annual report for the prior Federal fiscal year, certified by the grantee's chief executive officer or equivalent person of authority, and setting forth: the grantee's

name, the grantee's identification number, and—

(1) a statement that the grantee did not engage in political advocacy; or,

(2) a statement that the grantee did engage in political advocacy, and setting forth for each grant—

(A) the grant identification number;

(B) the amount or value of the grant (including all administrative and overhead costs awarded);

(C) a brief description of the purpose or purposes for which the grant was awarded;

(D) the identity of each Federal, state and local government entity awarding or administering the grant, and program thereunder;

(E) the name and grantee identification number of each individual, entity, or organization to whom the grantee made a grant;

(F) a brief description of the grantee's political advocacy, and a good faith estimate of the grantee's expenditures on political advocacy;

(G) a good faith estimate of the grantee's prohibited political advocacy threshold.

(b) OMB COORDINATION.—The Office of Management and Budget shall develop by regulation one standardized form for the annual report that shall be accepted by every Federal entity, and a uniform procedure by which each grantee is assigned one permanent and unique grantee identification number.

FEDERAL ENTITY REPORT

SEC. 603. Not later than May 1 of each calendar year, each Federal entity awarding or administering a grant shall submit to the Bureau of the Census a report (standardized by the Office of Management and Budget) setting forth the information provided to such Federal entity by each grantee during the preceding Federal fiscal year, and the name and grantee identification number of each grantee to whom it provided written notice under section 1(a)(6). The Bureau of the Census shall make this database available to the public through the Internet.

PUBLIC ACCOUNTABILITY

SEC. 604. (a) Any Federal entity awarding a grant shall make publicly available any grant application, audit of a grantee, list of grantees to whom notice was provided under section 1(a)(6), annual report of a grantee, and that Federal entity's annual report to the Bureau of the Census.

(b) The public's access to the documents identified in section 4(a) shall be facilitated by placement of such documents in the Federal entity's public document reading room and also by expediting any requests under section 552 of title 5, United States Code, the Freedom of Information Act as amended, ahead of any requests for other information pending at such Federal entity.

(c) Records described in section (a) shall not be subject to withholding except under exemption (b)(7)(A) of section 552 of title 5, United States Code.

(d) No fees for searching for or copying such documents shall be charged to the public.

SEVERABILITY

SEC. 605. If any provision of this title or the application thereof to any person or circumstance is held invalid, the remainder of this title and the application of such provision to other persons and circumstances shall not be affected thereby.

FIRST AMENDMENT RIGHTS PRESERVED

SEC. 606. Nothing in this title shall be deemed to abridge any rights guaranteed under the first amendment of the United States Constitution, including freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of August 2, 1995, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 32 offered by the gentleman from Arizona [Mr. KOLBE], amendment No. 10 offered by the gentleman from Iowa [Mr. GANSKE], amendment No. 18 offered by the gentleman from Massachusetts [Mr. BLUTE].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 32 OFFERED BY MR. KOLBE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona [Mr. KOLBE] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 206, noes 215, not voting 13, as follows:

[Roll No. 619]

AYES—206

Abercrombie
Ackerman
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Beilenson
Bentsen
Berman
Bilbray
Bishop
Blute
Boehlert
Bono
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
Cramer
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Dunn
Durbin
Edwards
Ehrlich
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Flake
Foglietta
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goodling
Gordon
Goss
Green
Greenwood
Gunderson
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kleczka
Klug
Kolbe
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lincoln
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Markey
Martinez
Martini
Matsui
McCarthy
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Molinari
Moran
Morella
Nadler
Neal
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Pryce
Ramstad
Rangel
Reed
Richardson
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Sisisky
Skaggs
Slaughter
Smith (MI)
Spratt
Stark
Stokes
Studds
Tanner
Thomas
Thompson
Thornton
Torkildsen
Torres
Torricelli
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
White
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zeliff
Zimmer

NOES—215

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bereuter
Bevill
Bilirakis
Bliley
Boehner
Bonilla
Bonior
Borski
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Ehlers
Emerson
English
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Forbes
Frisa
Funderburk
Gallegly
Gillmor
Goodlatte
Graham
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kanjorski
Kasich
Kildee
Kim
King
Kingston
Klink
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McIntosh
Mica
Miller (FL)
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Portman
Poshard
Quillen
Quinn
Radanovich
Rahall
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shuster
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thornberry
Tiahrt
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (FL)

NOT VOTING—13

Andrews
Bateman
Buyer
Filner
Geren
Gutierrez
McKeon